

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

*Track 12: City of Rochester, New York
Track 13: Lincoln County, Missouri*

(Case Nos. 19-op-45853; 20-op-45069)

MDL No. 2804
Case No. 1:17-md-2804

Judge Dan Aaron Polster

**JOINT MOTION TO AMEND CERTAIN CASE MANAGEMENT ORDER DEADLINES
FOR PBM BELLWETHER CASES TRACKS 12 AND 13**

Plaintiffs and the PBM Defendants jointly move the Court to enter the Proposed Order Amending Certain Case Management Order Deadlines for PBM Bellwether Cases Tracks 12 and 13, attached as Exhibit A. In support of this motion, the parties state as follows:

Plaintiffs and the PBM Defendants have reached agreement regarding the production of certain data, as contemplated by the Court's December 28, 2023 Case Management Order for PBM Bellwether Cases Tracks 12 and 13 (**CMO**), Dkt. No. 5282. That agreement requires modification of certain CMO deadlines. The parties jointly propose the following extensions:

- With the exceptions noted below, the PBM Defendants will produce accessible data from the fields and sources agreed to by the parties, including the data contemplated in ¶ F.6 of the CMO, by **July 31, 2024**.
- Express Scripts' data for all fields for the years 2006–2007 is archived and is estimated to take 3–4 months to restore and produce.
- Reserving all rights, OptumRx continues to discuss certain additional data sources with Plaintiffs. The parties will continue to discuss the deadlines for producing those additional, non-CMO data sources.

- The PBM Defendants may seek further extensions of these deadlines if problems with data production arise.
- Tracks 12 and 13 Plaintiffs will identify prescriptions, methodologies, and electronic scripts as contemplated in ¶ F.8 of the CMO by **September 16, 2024**.
- The PBM Defendants will produce “notes fields” as contemplated in ¶ F.9 of the CMO by **October 31, 2024**.

Dated: June 13, 2024

Respectfully submitted,

s/ Olga M. Vieira

Olga M. Vieira
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
2601 S. Bayshore Drive, Suite 1550
Miami, FL 33133
Tel.: (305) 402-4880
Fax: (305) 901-2975
olgavieira@quinnmanuel.com

*Attorney for Express Scripts, Inc., Express
Scripts Administrators, LLC, Express Scripts
Specialty Distribution Services, Inc., Express
Scripts Pharmacy, Inc., ESI Mail Pharmacy
Service, Inc., ESI Mail Order Processing,
Inc., Medco Health Solutions, Inc., and
Evernorth Health, Inc.*

s/ Brian D. Boone (consent)

Brian D. Boone
ALSTON & BIRD LLP
Vantage South End
1120 South Tryon Street, Suite 300
Charlotte, NC 28203
Tel.: (704) 444-1000
Fax: (704) 444-1111
brian.boone@alston.com

Attorney for OptumRx, Inc.

s/ Jeff R. Gaddy (consent)

Jeff R. Gaddy
Levin, Papantonio, Rafferty, Buchanan, O'Brien,
Barr, and Mougey, P.A.
316 S. Baylen Street, Suite 600
Pensacola, FL 32502-5996
Tel.: 850-435-7068
Fax: 850-436-6068
jgaddy@levinlaw.com

Attorney for Plaintiffs